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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.

Case No. 4:20-cv-05640-YGR-TSH

Plaintiff, Counter-defendant

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S STATEMENT  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO SEAL**

v.

APPLE INC.,

The Honorable Thomas S. Hixson

Defendant, Counterclaimant

1 I, Mark A. Perry, hereby declare as follows:

2       1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
 3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
 4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential  
 5 information based on my personal experience representing Apple. I have personal knowledge of the  
 6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration  
 7 in support of Apple’s Statement in Support of Administrative Motion to Seal.<sup>1</sup>

8       2. I am aware that the law of this Circuit allows information to be filed under seal for good  
 9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where  
 10 documents include a company’s trade secrets, internal codenames, confidential research and  
 11 development, personally identifiable information, or other commercially sensitive information. I  
 12 understand that this Court has broad latitude to prevent the public disclosure of these categories of  
 13 commercially sensitive information.

14      3. Apple operates in an intensely competitive environment. Apple has serious and  
 15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive  
 16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect  
 17 the confidentiality of its information.

18      4. Apple has carefully reviewed Exhibit A to Epic Games, Inc.’s Administrative Motion to  
 19 Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule 79-5 (“Epic’s  
 20 Motion”) (Dkt. 1388), and now proposes to partially seal information therein that, if disclosed, could  
 21 reveal competitively sensitive, non-public project codenames.

22      5. Exhibit A contains competitively sensitive, non-public information regarding Apple’s  
 23 internal project codenames, which Apple intends to keep confidential. Public disclosure of Apple’s non-

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25      26      27      28      <sup>1</sup> Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. See,  
*e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,  
 No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,  
 No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-  
 00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple  
 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 public project codenames would reveal Apple's internal business decision-making and proprietary  
 2 information, which could be used by competitors to gain an unfair competitive advantage over Apple  
 3 and/or affect Apple's market position. Apple has narrowly-tailored its sealing request as to maximize  
 4 the public's access to court documents without jeopardizing Apple's business interests. The remainder  
 5 of the exhibit remains unredacted.

6. Below is a chart detailing the portions of the exhibit sealable for the reasons explained  
 7 herein, as well as in Apple's statement.

<b>Portion of Document Sought to be Sealed</b>	<b>Document Title</b>	<b>Reason to Seal</b>
Rows 1, 3, 4, 5	Exhibit A	Reflects non-public Apple project codenames

11 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
 12 correct. Executed this 31st day of March 2025, in Washington, D.C.  
 13

14 Dated: March 31, 2025

15 Respectfully submitted,

16 By: s/ Mark A. Perry

17  
18 Mark A. Perry